

STATE OF NEW YORK

10599

IN SENATE

May 29, 2026

Introduced by Sen. GONZALEZ -- read twice and ordered printed, and when printed to be committed to the Committee on Elections

AN ACT to amend the election law, in relation to the inspection of election materials, equipment and non-public records

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. The election law is amended by adding a new section 17-171
2 to read as follows:

3 § 17-171. Inspection of election materials, equipment and non-public
4 records. 1. If any state, county, or local official or employee, includ-
5 ing any election officer or voting machine custodian, receives from any
6 private or governmental entity, individual or official a subpoena,
7 warrant or other request for or to inspect any of the items in para-
8 graphs (a) through (f) of this subdivision, or service of a complaint or
9 petition in a legal proceeding seeking such relief, such official or
10 custodian shall, not later than thirty-six hours after the receipt of
11 such subpoena, warrant or other request, or service of such complaint or
12 petition, provide a copy to the attorney general and the state board of
13 elections. The attorney general and the state board of elections shall
14 post notice, on each of such offices' websites, of the methods by which
15 an official or custodian may provide such copy to such offices. In the
16 case of the state board of elections receiving such a subpoena, warrant
17 or other request, or service of such complaint or petition, the board
18 shall immediately provide a copy of such subpoena, warrant or other
19 request, or complaint or petition for items in paragraphs (a) through
20 (f) of this subdivision, to the attorney general. The obligations of
21 this section shall apply to the following items:

22 (a) voted ballots; official ballots; ballot images; or envelopes;

23 (b) ballot drop box as defined in section 8-416 of this chapter;

24 (c) voting or ballot counting machine or other device used in the
25 conduct of any election;

26 (d) any non-public voter information as specified by section 3-220 of
27 this chapter;

EXPLANATION--Matter in italics (underscored) is new; matter in brackets
[-] is old law to be omitted.

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1 (e) documentation of requests for absentee or early vote by mail
2 ballots that include non-public personally identifiable information; or
3 (f) non-public personally identifiable information of any elections
4 officer as defined by section 1-104 of this chapter.

5 2. Upon receipt of such subpoena, warrant, or other request, the
6 attorney general may seek preliminary or permanent injunctive, declara-
7 tory or other appropriate equitable relief in connection with any
8 election by bringing a complaint to a designated court, in which the
9 attorney general shall set out the subpoena, warrant, or other request.

10 3. Notwithstanding any other provision of state law, in any action or
11 proceeding filed in state court venue shall be proper only in one of the
12 following designated courts in a judicial department within which at
13 least one plaintiff is located:

14 (a) first judicial department: New York county;

15 (b) second judicial department: Westchester county;

16 (c) third judicial department: Albany county; or

17 (d) fourth judicial department: Erie county.

18 4. The attorney general shall file a certification attached to the
19 complaint indicating that a copy of the complaint has been sent by
20 first-class mail or delivered to the state board of elections, and any
21 other interested party. If such complaint is made prior to such
22 election, the judge hearing such case shall proceed expeditiously to
23 render judgment on the complaint and shall cause notice of the hearing,
24 if any, to be given to the state board of elections.

25 5. Actions brought pursuant to this section shall be subject to expe-
26 ditied pretrial and trial proceedings and receive an automatic calendar
27 preference. Notwithstanding any other provision of state law, in any
28 action alleging a violation of this section in which the attorney gener-
29 al seeks preliminary relief with respect to an upcoming election, the
30 court shall grant relief if it determines that the attorney general is
31 more likely than not to succeed on the merits. The court may forthwith
32 order any injunctive or declaratory relief necessary to preserve or
33 restore the status quo, including, but not limited to, ordering that an
34 election officer retain custody of any voted or official ballot, ballot
35 images or envelopes; ballot drop box; voting or ballot counting machine
36 or other device used in the conduct of any election; any non-public
37 voter information; documentation of requests for absentee or early mail
38 ballots that include non-public personally identifiable information; or
39 non-public personally identifiable information of any elections officer.

40 6. Upon a showing of exigent circumstances, the court may issue an
41 immediate ex parte order granting such relief as the court deems appro-
42 priate. The court shall forthwith order a hearing to be had upon such
43 complaint, upon a day not more than five or less than three days from
44 the making of such order, and shall cause notice of not less than three
45 or more than five days to be given to any candidate or candidates whose
46 election may be affected by the decision upon such hearing, to any
47 election officer who may be affected by the decision upon such hearing,
48 to the state board of elections and to any other party or parties whom
49 the court deems proper parties thereto, of the time and place for the
50 hearing upon such complaint.

51 7. If an action has been commenced under this section, voted ballots
52 shall be subject to the order of the court in which the action is pend-
53 ing. In no event shall voted ballots or voting or ballot counting
54 machines be taken from the custody of election officers or machine
55 custodians.

1 8. Any election officer who provides to any third party that has not
2 been authorized by the state board of elections any voting or ballot
3 counting machine or any part or appliance thereof shall be guilty of a
4 class A misdemeanor and a penalty not exceeding ten thousand dollars.

5 9. Notwithstanding any other provision of state law, nothing in this
6 section shall prohibit compliance with an order enforceable in New York
7 entered by a court of competent jurisdiction.

8 § 2. If any provision of this act or its application to any person,
9 political subdivision, or circumstance is held invalid, the invalidity
10 shall not affect other provisions or applications of this act which can
11 be given effect without the invalid provision or application, and to
12 this end the provisions of this act are severable.

13 § 3. This act shall take effect immediately.